

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

JANE DOE,

Plaintiff,

V.

**RECTOR AND VISITORS OF THE
UNIVERSITY OF VIRGINIA,**

Defendant.

Case No. 3:23-cv-00018-RSB

DECLARATION

I, M. Elizabeth Magill, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. I am over the age of eighteen, and I am competent to testify to the matters described in this Declaration. Unless otherwise indicated, I have personal knowledge of the facts and statements in this Declaration and am prepared to testify to them, among other things, at a hearing or trial related to this matter or the issues or facts discussed in this Declaration.

2. I was executive vice president and provost of the University of Virginia (“UVA”) from 2019 to 2022. In that role, I oversaw UVA’s teaching and research activities. I directed the academic administration of UVA’s twelve schools, the library, art museums, public service activities, numerous University centers, and foreign study programs.

3. UVA’s Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and applicable appendices in effect from March 30, 2015 – August 13, 2020 (“Title IX Policy”) included procedures for Title IX reports of prohibited conduct committed by employees.

4. I am familiar with UVA's Title IX Policy, including but not limited to, applicable procedures for the investigation, Review Panel determinations on responsibility, and sanctioning of Title IX complaints against University employees.

5. Pursuant to UVA's Title IX Policy, as executive vice president and provost, I was the UVA executive who reviewed the decisions and recommended sanctions made by Review Panels in Title IX complaints where there was an academic faculty respondent. Integral to this responsibility, I reviewed final investigation reports with accompanying exhibits in my review.

6. As executive vice president and provost, I received regular training regarding my responsibilities in conducting executive reviews of the decisions and recommended sanctions of Review Panels in Title IX complaints.

7. I am familiar with the Title IX investigation and proceedings that are the subject of the above-styled lawsuit. I am aware of the true identities of the Plaintiff Jane Doe and the former UVA professor referred to as John Roe in the lawsuit.

8. On July 7, 2021, UVA's Acting Title IX Coordinator sent me the Review Panel's decision and recommendation in the Title IX matter involving Plaintiff and John Roe. At the same time, I was provided the Final Investigation Report and its exhibits.

9. The aforementioned Final Investigation Report and attached exhibits consisted of 2,059 pages.

10. On July 7, 2021, UVA's Acting Title IX Coordinator informed me that I had seven days to review all the foregoing information and documentation, affirm or reject the Review Panel's decision on the findings of responsibility, and to determine the final sanction in accordance with UVA's procedures, and to notify the Title IX Coordinator of my decision.

11. I was scheduled to be out of the office from July 12, 2021 through July 30, 2021.

12. Due to my previously scheduled time out of the office and my other obligations as executive vice president and provost, I asked my chief of staff, Michael Citro, to request a three-week extension from the Title IX Coordinator until August 4, 2021 to complete my review and responsibilities in Plaintiff's Title IX complaint.

13. On July 14, 2021, the Acting Title IX Coordinator, Charlotte Breen, approved my request for a 3-week extension.

14. On August 4, 2021, I was still working on the decision letter and needed an opportunity to get the feedback of legal counsel. That same day I sent the Title IX Coordinator a request for an extension until August 6 to complete my decision letter.

15. On August 5, 2021, the Title IX Coordinator, Akia Haynes, approved my request to have until August 6 to finish my decision letter.

16. On or about August 5 or 6, 2021, I finished my decision letter in which I affirmed the Review Panel's findings of responsibility against John Roe. I also imposed sanctions, barring John Roe from all future employment and volunteer roles at UVA and disqualified him from emeritus status. I sent this letter to the Title IX Coordinator Akia Haynes on August 6, 2021 to be distributed to the parties.

17. I have reviewed the two-page document that has been Bates stamped UVA 004544-004545. It is a fair and accurate copy of the letter dated August 5, 2021 that I prepared to reflect my executive review of the Review Panel's decision and the imposition of sanctions in Plaintiff's Title IX complaint against John Roe.

18. On July 9, 2021, the advisor for John Roe sent me correspondence and materials relating to the Title IX complaint involving Plaintiff and John Roe and the decision and recommendation of the Review Panel.

19. I did not read, nor did I consider, the correspondence and materials sent to me by John Roe's advisor at any time, before or after, reaching my decision.

20. Prior to reaching my above-described decision dated August 5, 2021, I reviewed the Final Investigation Report and all of its accompanying exhibits, and the Review Panel's determination and sanctioning recommendation. My normal practice in reviewing these decisions and recommendations from Review Panels was to print out all the materials I was provided and to review the hard copies of the materials, and I followed that practice in this case. Due to the length of the 319-page Final Investigation Report and the volume of the exhibits, in total 2,059 pages, the review of this matter took considerable time. The Final Investigation Report for the matter involving Plaintiff and John Roe was notable to me for its length. I also found the volume and length of the exhibits to be notable.

21. I sought reasonable extensions to complete my review because of my previously scheduled time out of the office, the length of the Final Investigation Report, the volume and length of the exhibits, my other obligations as executive vice president and provost, and the need to obtain legal counsel before finalizing my decision.

22. I did not delay my review of the Review Panel's decision and sanctioning recommendation in the Title IX matter involving Plaintiff and John Roe to benefit John Roe in any way. I dutifully conducted my executive review of this matter. I requested necessary time to ensure that my review was thorough, prompt, and fair.

23. In determining an appropriate sanction for John Roe, I considered, among other factors, the severity, persistence, and pervasiveness of the prohibited conduct, the impact or implications of the prohibited conduct within the UVA community, the impact of the prohibited conduct on Jane Doe, and the maintenance of a safe, nondiscriminatory and respectful environment

conducive to learning. I determined that the most severe sanction would be appropriate for John Roe, and I crafted sanctions that would make sure he was no longer part of the UVA community. To make sure these sanctions achieved their desired effect, I directed that a copy of my letter dated August 5, 2021 be kept in the in the permanent files of the Dean and the relevant associate dean of the College and Graduate School of Arts and Sciences, and the chair of the department of Germanic Languages and Literature, which is where John Roe had been employed, to make certain that the sanctions were known to those in positions of authority and their successors.

Executed on Sep 16, 2024

M. Elizabeth Magill
M. Elizabeth Magill (Sep 16, 2024 08:37 EDT)

M. Elizabeth Magill







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Final Audit Report

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